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C O N F I D E N T I A L SECTION 01 OF 03 KATHMANDU 000350

SIPDIS

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E.O. 12958: DECL: 02/24/2013

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SUBJECT: NEPAL: TIBETAN REFUGEE UPDATE

Classified By: DCM Robert K. Boggs for Reasons 1.5 (b,d).

11. (C) Summary. In January, two groups, comprising 18 undocumented Tibetans, are believed to have been deported from Nepal at the Kodari border crossing in Sindhupalchowk District. No incidents were reported in February. Despite consistent denials by Government of Nepal (GON) officials in Kathmandu that these deportations occurred, one low-level official at the Kodari border confided to a UNHCR staff member that he witnessed one of the deportations. UNHCR believes that the Home Ministry has not conveyed to border officials, either verbally or in writing, the content of the GON refugee policy of August 2003. UNHCR plans to conduct two more border missions in coming weeks and seeks a permanent presence near the Kodari border. Actions taken by Home Ministry officials seem designed to avoid responsibility for the fate of undocumented Tibetans. On February 22, religious celebration of the Tibetan New Year was permitted by the GON and was carried out peacefully, but restricted to private, monastic premises. End Summary.

January Deportations

12. (C) According to UNHCR, two groups, comprised of 18 undocumented Tibetans, have been deported at the Kodari border in Sindhupalchowk District since January 1. Security personnel, possibly under the unified command structure, reportedly arrested 11 Tibetans on/about January 1 and subsequently released them into the custody of immigration officials at the Kodari border. The 11 Tibetans, along with 4 others detained several days earlier, reportedly were turned over to Chinese officials on/about January 3. On January 13, immigration officials at the Kodari border forced a family of 3 Tibetans back across the border. The assistant immigration officer in Kodari privately confirmed the deportation of the family shortly after the incident. Another two young women, ages 18 and 15, were arrested by security forces in Barabisi, but managed to escape while being transported to Kodari. These two young women arrived safely in Kathmandu on/about January 30.

13. (SBU) The Home Ministry has denied any knowledge of either deportation, although Home Secretary U.P. Mainali suggested that the deportations may have occurred due to miscommunication between refugees and border officials or because of misunderstanding about the Government of Nepal's (GON) policy of August 2003 of non-refoulement. Mainali claimed that the Home Ministry had informed verbally all border officials and relevant district officers of the GON refugee policy.

UNHCR Border Mission

14. (C) During January 27 - 29, UNHCR Protection Assistant Suraj Bhattarai, accompanied by two GON officials from the Department of Immigration (DOI) and the Home Ministry, visited the Tatopani border area in Sindhupalchowk District to sensitize border officials to treatment of Tibetan refugees. UNHCR Junior Protection Officer Cecilia Becker was unable to attend the border mission at the last minute due to an illness. According to Bhattarai, neither the Chief District Officer (CDO) based in Chautara, immigration officers in Kodari nor security personnel in Barabisi were aware of the GON's refugee policy adopted in August 2003. No written or verbal instructions have been communicated by the Home Ministry to border officials, he said. The two GON officials who accompanied Bhattarai on the border mission refused to describe the GON refugee policy, claiming it was inappropriate for low-level officials to discuss a high-level policy issue.

15. (C) According to UNHCR's Bhattarai, the senior immigration official in Kodari denied that any deportations had occurred since January 1. The officials suggested that if Tibetans had been deported, it would have been the fault of the Royal Nepal Army (RNA) unit present in Kodari. The RNA Major in Kodari, on the other hand, blamed the alleged deportations on

the immigration official, accusing him of corrupt practices. "He would do anything for a bribe," he said. The RNA Major has sent an official letter of complaint to his headquarters regarding the immigration official's behavior. (Since UNHCR's January border visit, the RNA Major has been transferred to another post.) On February 13, the DCM raised reports of refugee refoulement with Chief of Army Staff Pyar Jung Thapa, who denied that the unified command structure is operational in border areas. In any case, he argued, it is immigration officials, not military personnel, who have responsibility for illegal aliens who are apprehended. UNHCR has concluded that the security forces are not the problem in the recent deportations.

16. (SBU) UNHCR's Becker and Bhattarai are planning two additional border missions: one to Rasuwa District on March 2-3 and another to Sindhupalchowk District during the third week of March. UNHCR also plans to open a one- or two-man post in the Tatopani area, which is the most commonly-used transit point for undocumented Tibetans. UNHCR believes that a permanent presence in Tatopani will prevent deportations in the area. Since January 1, UNHCR has intervened in 11 cases involving 54 undocumented Tibetans who were escorted successfully to the Tibetan Reception Center in Kathmandu. In every case of UNHCR intervention, deportations have been averted.

17. (SBU) Becker noted that the Director General of Immigration has changed the procedures for handing over Tibetans to UNHCR. Prior to the May 2003 deportations, police officers were instructed to escort Tibetans to Kathmandu where they would be handed over to the DOI. The DOI would then release them into UNHCR's custody. UNHCR would cover the costs of transportation and two nights lodging for the police escorts. Since May 2003, however, UNHCR must send a TRC staff member to the location where Tibetans have been detained, present a letter from UNHCR to obtain their release, and escort them to Kathmandu. Police officers have complained to UNHCR that the DOI refuses to provide written confirmation of the transfer of Tibetan detainees from police to DOI custody. Similarly, the Director General will only discuss Tibetans with UNHCR on an informal basis, refusing to address anything in writing. Becker believes these changes are an attempt by the Home Ministry and Department of Immigration to avoid taking responsibility for undocumented Tibetans.

Losar Celebrations Kept Private

18. (SBU) On February 22, the Tibetan refugee community in northern Kathmandu conducted religious ceremonies for the Tibetan New Year, or Losar, at the Samtenling Monastery. The Nepal Police met with Wangchuk Tsering, the Dalai Lama's representative in Nepal, that morning to ensure that all religious ceremonies would be held only on private grounds. (Note. Tibetan religious ceremonies always involve displaying the Dalai Lama's picture, which has been treated by the GON since 2001 as an anti-Chinese activity and, therefore, restricted. End Note.) Despite the GON's warnings, the Tibetan community leaders briefly paraded around the public Boudhanath Stupa with a large, framed picture of the Dalai Lama before returning to the private compound of the monastery. Roughly 1,000 Tibetans were present at the Stupa for the religious ceremony. No police were visible at any time during the celebrations.

Comment

19. (C) Pressure by Chinese officials on the GON to prevent Tibetans from transiting Nepal likely continues unabated. One Chinese diplomat in Kathmandu remarked candidly at an evening reception that the Tibetans are the most important bilateral interest of the Chinese Embassy here. The same official acknowledged that his government had refused to accept Abraham Abraham as the designated new UNHCR representative in Beijing because he was considered "hostile" here to his efforts to prevent the refoulement of Tibetans from Nepal during a temporary assignment in Kathmandu. Anecdotal evidence also suggests that the Chinese offer bribes to Nepali border officials who hand over undocumented Tibetans. Considering these factors, it is surprising that so few deportations occur. Post will follow up with the GON on the apparent failure to inform border officials of the new refugee policy. End Comment.

MALINOWSKI